

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

COTY TODD and COLT MCENTYRE

PLAINTIFFS

vs.

No. 5:15-cv-674-RP

**PREDATOR PRESSURE CONTROL
AND CRANE SERVICES, LLC**

DEFENDANT

**PLAINTIFFS' NOTICE OF WITHDRAWAL THEIR
MOTION FOR CONDITIONAL CERTIFICATION,
FOR DISCLOSURE OF CONTACT INFORMATION, AND TO SEND NOTICES**

COME NOW Plaintiffs Coty Todd and Colt McEntyre ("Plaintiffs"), by and through their attorney Josh Sanford of Sanford Law Firm, PLLC, and for Notice of Withdrawal their Motion For Conditional Certification, For Disclosure Of Contact Information, And To Send Notices, state as follows:

1. Plaintiffs filed this lawsuit as a collective action under 29 U.S.C. § 216(b) of the Fair Labor Standards Act ("FLSA") on August 10, 2015. (Dkt. No. 1). On August 20, 2015, Plaintiffs filed a Motion For Conditional Certification, For Disclosure Of Contact Information, And To Send Notices (Dkt. No. 7).

2. Plaintiffs' counsel subsequently learned that an almost identical collective action is currently pending in the United States District Court for the Southern District of Texas, Corpus Christi Division styled *Combs et al. vs. Predator Pressure Control and Crane Services, LLC*, No. 2:15-cv-00110. *Combs* was filed over five months prior to this case. Therefore, Plaintiffs filed their First Amended Complaint, seeking to proceed

on individual basis, and withdraw their Motion For Conditional Certification, For Disclosure Of Contact Information, And To Send Notices (Dkt. No. 7).

3. The withdrawal of the Motion was discussed with Defendant's expected counsel.

Respectfully submitted,

COTY TODD and COLT McENTYRE

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By: /s/ Josh Sanford
Josh Sanford
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CERTIFICATE OF SERVICE

I, Josh Sanford, certify that a true and correct copy of the foregoing pleading was delivered by a regular, First Class U.S. Mail, postage prepaid, on the registered agent for Defendant listed below:

CT Corporation System
1999 Bryan Street, Suite 900,
Dallas, Texas 75201-3136

/s/ Josh Sanford
Josh Sanford